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Held at the Palais des Nations, Geneva,
on Friday, 23 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PAR OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/L.22, 24, 25/Rev.1, and 27-29)

Draft resolution on the situation of human rights in China (E/CN.4/1999/L.22)

1. Ms. RUBIN (United States of America), introducing the draft resolution, said that her country's long-term relationship with China, which had progressed over recent years, was best served by speaking plainly about human rights. China's economic strides over the past decade had resulted in greate personal freedom for its people; but no nation could expect to maintain long-term economic growth unless it respected the universal human rights of all its citizens.

2. The human rights situation in China had deteriorated sharply during the latter part of 1998, with a crackdown on organized political opposition, greater government control over the media and more restrictions on freedom of worship. Social and political controls continued to limit fundamental freedoms in Tibet and Xinjiang and threatened Tibet's unique linguistic, religious and cultural heritage.

3. In 1998, no draft resolution on human rights in China had been brought before the Commission, partly because China had signed the International Covenant on Civil and Political Rights. China had, however, violated the rights protected under the Covenant. The Commission did no justice to those rights if it sat in silence when serious human rights violations persisted. It was not "confrontation" or "interference in internal affairs" to ask a Member State to respect the right of democratic dissent, as protected by international law. She urged China to engage in genuine dialogue with its dissidents and with the Dalai Lama.

4. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of Poland had become a sponsor of the draft resolution.

5. Mr. QIAO Zonghuai (China) moved that the Commission should take no action on the draft resolution for a number of reasons. In the first place, the allegation that the human rights situation had deteriorated sharply in 1998 was groundless. On the contrary, 8 million rural residents had been lifted out of poverty; and the Organic Law of Villagers' Committees had been adopted, providing legal guarantees for the direct exercise of democratic rights by the people. Human rights protection at every level of the judicial administration had been strengthened. The open-trial system had been promoted and the media played a greater role in monitoring trials. Supervision of law enforcement had been intensified and stricter approaches had been adopted in investigating and handling cases of illegal detention and confessions extorted through torture. In March 1999, the principle of the rule of law had been formally written into the Constitution.

6. Thanks to the Government's unremitting efforts, the human rights situation for all ethnic groups, including the Tibetan people, had in fact improved rapidly, as was widely recognized by the international community. The trials to which the delegation of the United States of America made constant nagging reference were of criminals subverting the State, who were subject to punishment in any country. There were obviously ulterior political motives behind the draft resolution.

7. The tabling of the resolution was an instance of double standards and the politicization of human rights. The gross human rights violations in the United States of America - including racial discrimination, police brutality, torture in prison and the execution of minors - were well documented. Moreover, that country had ratified the International Covenant on Civil and Political Rights, with many reservations, 15 years after signing it and had yet to ratify the International Covenant on Economic, Social and Cultural Rights. To demand prompt action from China on the Covenants was hegemonism or double standards. The clear purpose of the draft resolution was to undermine the reform, development and stability in China. Although relations between the two countries had improved, the next development had been an anti-China undercurrent in the United States of America, with the result that China had once again become the victim of local party strife which had no place in the Commission.

8. The draft resolution also constituted political confrontation. It was hardly surprising that, with their distinctive histories, cultures and traditions, China and the United States should have differences over human rights issues. China's tremendous efforts were demonstrated by the resumption of a human rights dialogue with the United States of America after four years' suspension; the draft resolution could not but have a negative impact on that dialogue.

9. The allegation that the no-action motion was intended to block discussion was gainsaid by the constant criticism of the human rights situation in China by the United States delegation under different agenda items. The anti-China draft resolution was quite different from the extensive substantive discussions that had been conducted in various forums. His delegation was fully entitled to propose the no-action motion in accordance with rule 65 (2) of the rules of procedure. Indeed, the United States delegation had, in the past, been known to vote for no-action motions.

10. Mr. KOH (United States of America) said that no nation was exempt from international scrutiny of its human rights. To support the motion, therefore, would be to undercut the Commission's core function; the draft resolution should be judged on its merits and voted on accordingly.

11. Mr. AMAT FORÉS (Cuba), speaking in explanation of vote before the voting, said that his delegation would vote for the no-action motion because the United States delegation was once again using the Commission as a tool of its foreign policy and playing to its domestic gallery. The draft resolution was an unacceptable manipulation of human rights, to the detriment of more important matters, and constituted interference in the internal affairs of China.

12. The United States of America used humanitarian affairs as an ideologic weapon: the more it drew attention to human rights in other countries, the less attention was paid to its own flagrant violations of the most elementar human rights. His delegation was not disposed to contribute to such a smokescreen.

13. Mr. YAMAZAKI (Japan) said that dialogue and the exchange of views were crucial. The promotion and protection of human rights constituted a legitimate concern of the international community and of the Commission in particular. Since the no-action motion served only to impede such dialogue, his delegation could not, as a matter of principle, support it.

14. Mr. HÖYNCK (Germany), speaking on behalf of the European Union, regretted that a no-action motion had once again been brought. The delegations of members of the Union would vote against it, since it was designed to prevent the Commission from dealing with a specific country situation and ran counter to the principles of transparency and non-selectivity which gave the Commission the right to act on the human right situation in any country.

15. The Union was dismayed at the crackdown on activists: severe prison sentences for those peacefully exercising their right to freedom of expressio and assembly were unacceptable. It was particularly concerned by the continuing use of the death penalty and administrative detention and by the situation in Tibet. The dialogue vaunted by the delegation of China had not been matched by improvements on the ground.

16. Mr. HYNES (Canada) said that his delegation always voted against no-action proposals on draft resolutions concerning specific human rights issues; he fully endorsed the views of the representative of Japan. The draft resolution recognized a number of positive developments in China, but i also raised issues on which the States members of the Commission should be permitted to express their views.

17. Mr. IDRIS (Sudan) said that China had held a dialogue with the international community and demonstrated its sincerity through its cooperatio with the United Nations human rights mechanisms. It had signed the two International Covenants on Human Rights and the High Commissioner for Human Rights had paid a successful visit to the country. The adoption of the draft resolution would harm the ongoing dialogue. His delegation would vote for th motion.

18. Mr. AKRAM (Pakistan) said that his delegation questioned the motivation behind the draft resolution and was concerned at its possible effects. Livin standards in China and, consequently, the enjoyment of human rights had improved. The achievement of lowering the number of people living in poverty from 250 million in 1978 to 42 million was impressive by any yardstick and wa unmatched by any other developing country. The history of China spanned thre millennia and it might well be that its people had never enjoyed a better human rights situation.

19. The motivation behind the draft resolution was well known: it was designed to exert pressure on China, either to open up its markets or to

achieve some other political purpose. It was also, however, a manifestation of the internal strife afflicting a major Power, leading to a regrettable internationalization of its domestic politics.

20. Adoption of the draft resolution would put an end to China's cooperation with the United Nations human rights mechanisms and raise tension between two of the world's most powerful nations. That was surely not what the Commission wanted. Rule 65 (2) had been intended precisely for dealing with proposals whose adoption would be contrary to the Charter of the United Nations and to the principles of the Commission. The draft resolution was like the dragon of Chinese mythology: it should be slain, once and for all.

21. Mr. CHOWDHURY (Bangladesh) said that the delegation of China was fully entitled to propose the motion. China had its own distinctive society, which had made a great contribution to civilization in many ways. Its moves towards human rights reform should be encouraged; cooperation was desirable, even essential. His delegation would therefore vote in favour of the no-action motion.

22. Mr. PALIHAKKARA (Sri Lanka) said that, given the failure of similar draft resolutions in the past, the Commission ought to have sought alternative ways of achieving its objectives. Despite the persistence of certain problems, China was clearly cooperating with international human rights bodies. The Commission needed to build on that progress by working with China rather than adopting resolutions that discouraged such cooperation. His delegation would vote in favour of the no-action motion.

23. Mr. SIMKHADA (Nepal) said that this delegation was guided by its support for the principle of the non-selectivity and universality of human rights and believed that the Commission's work should be conducted in an environment of cooperation and constructive engagement that could lead to self-criticism and introspection rather than pressure. To single out one country or group of countries for criticism in the absence of persistent egregious violations where due process was consistently denied was not productive.

24. As a neighbouring country, Nepal had witnessed remarkable transformations in China which were having far-reaching effects on all aspects of Chinese society. It was significant that China had signed the International Covenants on Human Rights and was working with the High Commissioner in the area of advisory services and technical cooperation; China was also reported to have extended an invitation to the Special Rapporteur on torture and was pursuing bilateral dialogues with a number of countries. The draft resolution was therefore unjustified, and his delegation supported the no-action motion.

25. Mr. LAGOS PIZZATI (El Salvador) said that since all delegations had the right to speak to the merits or flaws of any draft resolution, it was neither appropriate nor responsible not to vote on the resolution itself. For that reason, his delegation could not support the no-action motion.

26. At the request of the representative of the United States of America, a vote was taken by roll-call on the proposal by China to take no action on the draft resolution.

27. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Pakistan, Peru, Qatar, Russian Federation, Sri Lanka, Sudan, Venezuela.

Against: Austria, Canada, Czech Republic, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Rwanda, South Africa, United Kingdom, of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Ecuador, Guatemala, Liberia, Mauritius, Mexico, Niger, Philippines, Republic of Korea, Romania, Senegal, Tunisia, Uruguay.

28. The Chinese proposal was adopted by 22 votes to 17, with 14 abstentions.

Draft resolution on the situation of human rights in Nigeria (E/CN.4/1999/L.24)

29. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, said that it emphasized the changes that had taken place in Nigeria under the new Government, particularly the holding of free and democratic elections, and, consequently, made the Commission decide to conclude its consideration of the situation of human rights in Nigeria. He hoped that it could be adopted without a vote.

30. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of the Czech Republic had become a sponsor of the draft resolution.

31. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation, too, wished to be a sponsor of the draft resolution.

32. Mr. YADUDU (Observer for Nigeria) said that the draft resolution was of great importance to his country. Since 1995, Nigeria had been criticized for its poor human rights record by both the Commission and the General Assembly. The profound changes that had taken place during the past year, which had been emphasized in the report of the Special Rapporteur (E/CN.4/1999/36) were a source of great satisfaction to his delegation.

33. The draft resolution before the Commission was a fair and balanced one. He welcomed the emphasis placed on capacity-building and assured the Commission that Nigeria would take full advantage of opportunities to obtain technical assistance and advisory services from the High Commissioner's Office (OHCHR). He expressed his gratitude to all the delegations that had supported the draft text and urged the Commission to adopt it without a vote.

34. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia,

Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the Union had shown its solidarity with the people of Nigeria in the past by introducing resolutions on the human rights situation in that country which had been broadly supported. The recent encouraging turn of events in Nigeria had caused the Group of African States to take the lead in sponsoring the current draft resolution. The democratization process and overall improvement in the human rights situation, as confirmed by the Special Rapporteur after his recent visit to Nigeria, were welcome developments which, he trusted, would continue. The Union stood ready to assist the people and Government of Nigeria as they worked to overcome the heritage of repressive military rule and to return to the rule of law.

35. Mr. HYNES (Canada) said that his delegation was pleased to join the consensus on the draft resolution. It welcomed the improvements in the human rights situation in Nigeria and the steps taken by the Government to restore democracy. However, those efforts were but part of a work in progress, and he urged that the recommendations contained in the draft text be implemented to ensure that that progress continued.

36. The draft resolution was adopted.

Draft resolution on the human rights situation in southern Lebanon and west Bakaa (E/CN.4/1999/L.25/Rev.1)

37. Mr. MORJANE (Tunisia) introduced the draft resolution and said he hoped that the Commission could adopt it by consensus.

38. Mr. PELEG (Observer for Israel) said he noted that paragraph 2 of the draft resolution called upon Israel to implement Security Council resolution 425 (1978). He wished to point out that his Government accepted that resolution and had communicated to the Secretary-General its readiness to implement it. However, the resolution in question contained interrelated elements, for not only was Israel called upon to withdraw its forces, but the Lebanese Government was called upon to ensure the security of the border between Lebanon and Israel. Only when that condition was met would his Government withdraw its forces, for it did not believe that such a withdrawal should affect the security and well-being of Israeli citizens.

39. Mr MOOSE (United States of America) requested that the draft resolution be put to the vote.

40. At the request of the representative of Tunisia, the vote was taken by roll-call.

41. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first:

In favour: Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway,

Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Argentina, Liberia, Romania.

42. The draft resolution was adopted by 49 votes to 1, with 3 abstentions.

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/L.27)

43. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that the text was intended to reflect the complex and evolving human rights situation in the Islamic Republic of Iran, based on the findings of the Special Representative. In order to encourage efforts in that country to work for a more tolerant, diverse and law-abiding society, the draft resolution acknowledged all the improvements that had been made in the human rights situation there but expressed continued concern at the overall situation. As the Union was disappointed by the continued refusal of the Islamic Republic of Iran to cooperate fully with the Special Representative, the draft resolution called upon the Government to resume its cooperation with the Special Representative.

44. It was unfortunate that the Iranian delegation had not participated in consultations on the draft text, since the Union had been ready to consider any views it might have wished to raise. Instead, the Iranian delegation had set preconditions for any substantive discussion. It was to be hoped that open and constructive dialogue would be possible in the future.

45. Mr. AGUILAR URBINA (Secretary of the Commission) said that the Observer for Israel had become a sponsor of the draft resolution.

46. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, since coming to office in May 1997, President Khatami had spared no effort to implement progressive policies, including promotion of freedom of expression, the rule of law, popular participation, women's rights, due process in the administration of justice and the strengthening of democratic institutions, and national human rights mechanisms. There was thus no justification or excuse for continuing to table politically motivated resolutions on the situation of human rights in the Islamic Republic of Iran, an unwarranted and counterproductive exercise which had long since lost its relevance. Alternatives of an encouraging, cooperative and innovative nature should be sought.

47. The sponsors of the draft resolution had ignored realities and decided to pursue their short-term political interests. When negotiating with them, his delegation had made it clear that an encouraging response to the positive developments that had occurred required the inclusion in their draft resolution of a termination clause. However, the sponsors had shown no

willingness to engage in serious negotiation. If such a draft resolution were to serve as a yardstick for country-situation resolutions, one could be tabled on each and every country sponsoring it.

48. In fact, the country-situation procedure of the Commission and of the Third Committee of the General Assembly was flawed and could easily be exploited or abused for purely political considerations. The problem was that there were no specific and agreed criteria except the obscure concept of "gross and systematic violations of human rights".

49. It was essential to salvage the system's credibility and not let a minority, enjoying a block vote, to hold the system hostage to its political agenda. Many countries had come under tremendous pressure in recent days from the Western Europe and Others Group to back the draft resolution or face reprisals. Such a process was not democratic, would not contribute to the promotion of human rights and fundamental freedoms, and was not what human rights mechanisms were meant to be.

50. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC) in explanation of vote before the voting, said that, on a number of previous occasions, the OIC had stated its objection to the politicization of human rights and the use of human rights mechanisms for advancing the political interests of certain countries. The current draft resolution was a case in point, and the OIC members would oppose it since they considered it essential to put an end to such selective targeting for political purposes.

51. Significant positive developments had taken place in the situation of human rights in the Islamic Republic of Iran, and they needed to be supported and encouraged. The cooperation of the Government of the Islamic Republic of Iran with human rights bodies and mechanisms could be ensured only by ending the annual politically motivated exercise and establishing normal contacts and cooperation with the Islamic Republic of Iran through established channels.

52. The draft resolution was yet another example of the targeting of Islamic countries in the Commission, and the OIC group, which urged all members to vote against it, called for a roll-call vote.

53. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the amount of US$ 83,000, required to extend the mandate of the Special Representative for one year, had been included in section 22 of the programme budget for the biennium 1998-1999, and that other requirements resulting from the extension of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

54. Mr. IBRAHIM (Sudan) said that any genuine evaluation of human rights in a country should reflect the reality of the situation in a balanced manner. The Islamic Republic of Iran had made considerable progress in the past year but, although the draft resolution recognized some of its achievements, it failed to reflect adequately all the positive developments that had taken place. His delegation would, consequently, vote against it.

55. Mr. CHOWDHURY (Bangladesh) said his delegation would vote against the draft resolution because the Islamic Republic of Iran deserved encouragement, not criticism. The draft resolution was unwarranted and would prove counterproductive.

56. Mr. SALINAS (Chile) said that, as in previous years, his delegation would vote for the draft resolution because, despite the many positive developments in the past year that should be recognized and encouraged, there was still room for progress with regard to the situation of women and of religious groups such as the Baha'i. He hoped that the Government's reforming trend would continue and that no such resolution would be needed at the Commission's fifty-sixth session.

57. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that his delegation would vote for the draft resolution because it mentioned the progress made by the Islamic Republic of Iran in ensuring respect for human rights, did not dwell on the past and did not amount to political criticism. He, too, hoped that no such resolution would be necessary at the Commission's fifty-sixth session.

58. Mr. LEPATAN (Philippines) said that his delegation welcomed the positive developments that had occurred in the Islamic Republic of Iran during the past year. Since the draft resolution did not send the appropriate message of encouragement, his delegation would vote against it.

59. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation would vote against the draft resolution because of its defence of the principles of objectivity, non-selectivity and non-politicization. The Islamic Republic of Iran was changing. The only people that had not changed were the sponsors of the draft resolution.

60. Mr. PADILLA MENÉNDEZ (Guatemala) said that his delegation would vote for the draft resolution. Guatemala had been subjected to the Commission's vigilance and was all the better for its cooperation with human rights bodies. It was important to maintain international monitoring of the situation of human rights even if there had been positive developments.

61. Mr. CORRALES LEAL (Venezuela) said that his delegation would vote against the draft resolution because it would not help to improve the situation of human rights in the Islamic Republic of Iran, and might even support elements opposed to the positive developments taking place there. The Commission's resolutions had an immediate impact on situations within countries and should acknowledge genuine efforts by the Governments concerned. He hoped, however, that further progress would be made towards improving the human rights of minorities and women.

62. Mr. PARSHIKOV (Russian Federation) said his delegation would abstain from voting on the draft resolution. Until the Commission's fifty-fourth session, it had always supported the draft resolutions on the situation of human rights in the Islamic Republic of Iran, but, at that session, it had observed that the draft resolution insufficiently reflected the progress that had been made. While the current draft resolution was more balanced in that respect, it still did not give the appropriate signal to a Government that was pursuing a course of improving human rights.

63. Mr. AL-MANA (Qatar) said that his delegation would vote against the draft resolution. There had been positive developments in the Islamic Republic of Iran, especially with regard to freedom of expression and the rights of women. Draft resolutions should be objective and non-selective. The Islamic Republic of Iran should be encouraged to continue its cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

64. Mr. LI Baodong (China) said that the Islamic Republic of Iran had made tremendous efforts in recent years to promote and protect human rights, a trend that the Commission should encourage rather than criticize. The draft resolution could be counterproductive, and his delegation would vote against it.

65. Mrs. LORENZO ALCALA (Argentina) said that her delegation would abstain from voting in order to encourage the development of a more tolerant society in the Islamic Republic of Iran. The Government had already made considerable progress in that regard. Her delegation had been encouraged by the recent elections, by changes to the legal system and by progress in respect of freedom of expression and association. It also welcomed the Government's determination to continue the struggle against terrorism, including State terrorism. However, it regretted the control of the press and the use of capital punishment, as well as the lack of progress with regard to the status of women and the situation of the Baha'i.

66. At the request of the representative of Pakistan, a vote was taken by roll-call on the draft resolution.

67. Pakistan, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Austria, Canada, Chile, Congo, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Poland, Romania, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, China, Colombia, Cuba, India, Indonesia, Morocco, Pakistan, Philippines, Qatar, Senegal, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Argentina, Botswana, Cape Verde, Democratic Republic of the Congo, Madagascar, Mexico, Mozambique, Nepal, Niger, Peru, Republic of Korea, Russian Federation, South Africa, Uruguay.

68. The draft resolution was adopted by 23 votes to 16, with 14 abstentions.

Draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28)

69. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that they had been joined by the representative of the Czech Republic and the observers for Costa Rica and Estonia. The draft resolution was based on the conclusions of the Special

Rapporteur as contained in his report (E/CN.4/1999/37) which, as the Union noted with great concern, indicated that there had been no improvement in the situation of human rights in Iraq over the past year. The repeated calls of the international community for the Government of Iraq to ensure human rights and fundamental freedoms for the Iraqi people seemed to have gone unheard. Indeed, systematic, widespread and extremely grave violations of human rights and international humanitarian law had continued to occur on a daily basis, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread intimidation.

70. The violations included summary and arbitrary executions, the continued "prison cleansing campaign", cases of disappearances and a routine failure to respect the due process of law. The Union therefore once again called upon the Government of Iraq to abide by its human rights obligations and to respect and ensure the rights of all individuals within its territory and subject to its jurisdiction, irrespective of their origin, ethnicity, gender or religion.

71. The Union also called upon the Government of Iraq to cooperate with the Tripartite Commission established to resolve the fate of missing persons, including prisoners of war, and to continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998) and 1210 (1998). In that regard, the Union would work for a more effective implementation of the oil for food programme, as well as full Iraqi cooperation in preventing any unnecessary suffering of the Iraqi people.

72. The Union deeply deplored the fact that the Special Rapporteur had not been able to visit Iraq since 1991, and therefore requested the Government of Iraq to resume its cooperation with him.

73. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of Argentina and the observers for Bulgaria, Israel and New Zealand had become sponsors of the draft resolution.

74. Mr. AL-DOURI (Observer for Iraq) said he deeply regretted the submission by the European Union of yet another hostile, unbalanced and biased draft resolution against Iraq, serving the political aims of the United States and the United Kingdom. It was based on the report by the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37), who was a mere instrument of United States policy towards Iraq. The draft resolution was thus flawed and unfit for the Commission's attention. If its authors had been genuinely concerned about human rights in Iraq, they should have referred to the disastrous impact of sanctions on individual and collective rights. The United States, the United Kingdom and some other countries were guilty of genocide. Over 1.5 million Iraqis had been killed by the sanctions and an Iraqi child died every six minutes because of shortages of milk and drugs and the spread of disease.

75. The daily aerial bombardment by the United States and the United Kingdom of civilian sites such as food storage facilities and the destruction of oil installations used in implementation of the "oil-for-food" programme constituted a breach of the Charter of the United Nations.

76. Paragraph 2 of the draft resolution, which was taken straight from the Special Rapporteur's report, was exaggerated, tendentious and designed to provoke ethnic and religious unrest and undermine Iraq's unity and territorial integrity in accordance with the wishes of the United States, the United Kingdom and Israel.

77. The armed conflict and the exceptional circumstances imposed on Iraq had necessitated restrictions in some areas that might have adversely affected human rights. On the other hand, the Government had promulgated a number of decrees granting amnesty to prisoners who had not been convicted of murder or rape. The draft resolution made no mention of those measures but referred instead to the so-called "prison cleansing" campaign, a term used by the Special Rapporteur and his friends. The Special Rapporteur had also objected to decisions taken by the authorities to protect nightwatchmen from prosecution for action against armed robbers and criminals instead of recognizing them as a natural response designed to protect public safety.

78. It was difficult to see how the Government of Iraq could be accused of harming the Kurds in northern Iraq when they were still under international tutelage. It was also odd that Iraq should be accused of violating international humanitarian law when the real culprits were the States who daily launched missiles and laser-guided bombs against it and deprived the people of their livelihood. With regard to ethnic and religious minorities, Iraq had played a pioneering role in the 1970s by granting full autonomy to the Kurdish minority. Other minorities enjoyed full cultural and religious rights.

79. With regard to the draft resolution's reference to equitable distribution of the humanitarian supplies purchased with the proceeds of Iraqi oil, he drew attention to the reports by the Humanitarian Coordinator of the Oil-for-Food Programme in Iraq, who had resigned because of action by the United Kingdom and the United States aimed at impeding implementation of the Memorandum of Understanding.

80. His Government had no interest in concealing information about missing persons. There were no Kuwaiti or other foreign prisoners of war in Iraq. In any case, that issue was being addressed by the International Committee of the Red Cross (ICRC) and the relevant countries.

81. His Government categorically refused to entertain the idea of having human rights monitors sent to Iraq to meddle in the country's internal affairs. Iraq's experience with the arms inspectors of the United Nations Special Commission was well known. The spy Scott Ritter had admitted to working on behalf of the intelligence services of the United States, the United Kingdom and Israel.

82. He urged the States members of the Commission to resist the pressure to vote for the draft resolution. They should either vote against it or abstain.

83. Mr. RAZZOOQI (Observer for Kuwait) said that the text of the draft resolution was self-explanatory. He drew attention in particular to the third preambular paragraph concerning Security Council resolutions 686 (1991) and 687 (1991) and paragraph 3, subparagraphs (h) and (i), which called on the

Government of Iraq to cooperate with the Tripartite Commission to esta the whereabouts of missing persons and to release all Kuwaiti prisone when those conditions were fulfilled could sanctions be lifted. Iraq party to the Geneva Conventions and was obliged under their terms to r prisoners of war on humanitarian grounds. He urged the Commission to the draft resolution and condemn those who were in breach of the Chart the United Nations and the Geneva Conventions.

84. Mr. MALGUINOV (Russian Federation), speaking in explanation of v before the voting, said that his delegation was in favour of ending al rights violations and ensuring respect for religious and ethnic minori Iraq. In that context, it supported the full implementation of the Security Council resolutions aimed at normalizing the situation in the country.

85. Unfortunately, the draft resolution failed to reflect the multif nature of the current situation. It was unbalanced and biased and bas unreliable information, particularly regarding the Government's allege systematic violations of human rights and international humanitarian l There was also one-sided criticism of the authorities' activities in r to national or religious minorities. It was unjust to reproach Iraq w lack of cooperation with humanitarian agencies and discriminatory dist of humanitarian aid. It was also inappropriate to refer to regions in the Government's sovereignty was restricted, particularly in view of t ongoing unlawful bombardment of a sovereign State.

86. His delegation agreed, however, that the Government must do a gr more to ensure that internationally recognized human rights standards fully guaranteed; it thus supported the appeal to the Iraqi Government draft resolution to cooperate with the Commission's mechanisms to that

87. He asked for a separate roll-call vote on whether to retain para subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k) draft resolution. His delegation would abstain from voting on those subparagraphs but would vote in favour of the draft resolution as a wh it were put to the vote.

88. Mr. COMBA (Office of the High Commissioner for Human Rights) sai the cost of extending the mandate of the Special Rapporteur, in accord with paragraph 4, subparagraph (a), of the draft resolution, was estim US$ 102,000. Provision had been made for that cost in the programme b for the biennium 1998-1999 and it was expected that the other requirem the extension of his mandate would be covered in the programme budget biennium 2000-2001.

89. No provision had been made under either programme budget for the dispatch of human rights monitors in accordance with paragraph 4, subparagraph (b), of the draft resolution. If the draft resolution we adopted, that activity would therefore have to be funded from extrabud resources made available for the purpose.

90. At the request of the representative of the Russian Federation, a vote was taken by roll-call on whether to retain paragraph 2, subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k), of the draft resolution.

91. China, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Russian Federation, Rwanda, Sri Lanka, Sudan, Tunisia.

92. Paragraph 2, subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k), of the draft resolution were retained by 31 votes to none, with 22 abstentions.

93. Mr. IDRIS (Sudan), speaking in explanation of vote before the voting, said that the draft resolution had ignored the adverse impact of the sanctions, as documented by many United Nations reports. A solution to the problem of missing persons that was satisfactory to all parties must be found. His delegation would thus abstain on the draft resolution as a whole and requested a roll-call vote.

94. At the request of the representative of the Sudan, a vote was taken by roll-call on the draft resolution.

95. Luxembourg, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Mexico, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Sri Lanka, Sudan, Tunisia.

96. The draft resolution was adopted by 35 votes to none, with 18 abstentions.

Draft resolution on the situation of human rights in the Sudan (E/CN.4/1999/L.29)

97. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that a number of developments in the Sudan over the past year represented steps in the right direction and justified hopes that the Sudan would move towards a peaceful settlement of its internal conflict and the creation of a better environment for the respect of human rights. While welcoming those trends, the draft resolution expressed deep concern about continuing serious violations of human rights and fundamental freedoms in the Sudan and called on all parties to the conflict to protect human rights standards and international humanitarian law.

98. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Argentina and the Czech Republic and the observers for Australia, Israel and Liechtenstein had become sponsors of the draft resolution.

99. Mr. IBRAHIM (Sudan) said that the draft resolution was the result of concerted efforts by the delegation of Germany, acting on behalf of the European Union, and the delegation of the Sudan. Thanks to a constructive dialogue, most differences of opinion had been resolved and the door opened wide for cooperation in promoting and protecting human rights in the Sudan.

100. His delegation had some reservations, however, regarding the concerns referred to in the third preambular paragraph and in paragraphs 2, 3 and 4. He looked forward to a positive response to the appeal to the international community in paragraph 6 to expand its support for the Government's activities aimed at the improvement of respect for human rights and humanitarian law and to the request to OHCHR in paragraph 7 to take urgently into consideration requests for assistance by the Government.

101. His Government was fully committed to pursuing a constructive dialogue with OHCHR, primarily with a view to strengthening national human rights capacities. It urged the international community to bring more pressure to bear on the eighth rebel faction to join in the peace process for the benefit of the people of the southern Sudan, to whom the Government had granted the right of self-determination, and of the country as a whole. If peace was attained, the Sudan's human rights record would be as clean as it had been before the civil war.

102. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the cost of extending the mandate of the Special Rapporteur, in accordance with paragraph 7, subparagraph (a), of the draft resolution, was estimated at US$ 82,000. Provision had been made for that cost in the programme budget for

the biennium 1998-1999 and it was expected that the other requirements for the extension of his mandate would be covered in the programme budget for the biennium 2000-2001. No provision had been made under either programme budget for responding to requests for assistance by the Government of the Sudan or for the establishment of a permanent representation of the High Commissioner in Khartoum, in accordance with paragraph 7, subparagraph (c), of the draft resolution. If the draft resolution was adopted, those activities would therefore have to be funded from extrabudgetary resources made available for the purpose.

103. The Chairperson said she took it that the Commission wished to adopt the draft resolution.

104. It was so decided.

105. Mr. SKOGMO (Norway) said that his delegation had supported the draft resolution concerning the situation of human rights in the Sudan despite its reservations regarding the wording of some paragraphs. Although it would have preferred a more balanced text, it recognized that there had been significant improvements in the human rights situation in the Sudan, for which the Government deserved due credit. It also appreciated the stated willingness of the Government to strengthen cooperation with the international community in that area.

The meeting rose at 6 p.m.